

# IN THE BOARD OF SUPERVISORS

County of San Luis Obispo, State of California

\_\_\_\_\_ day \_\_\_\_\_, 20\_\_\_\_

PRESENT: Supervisors

ABSENT:

**RESOLUTION NO. \_\_\_\_\_**

## **RESOLUTION AUTHORIZING THE DIRECTOR OF PUBLIC WORKS TO PERFORM ROAD CONSTRUCTION PROJECTS BY COUNTY FORCES**

The following resolution is now offered and read:

**WHEREAS**, effective January 1, 2013, Assembly Bill 720 amended the Public Contract Code to limit the extent County forces may be used in implementing construction projects on County roads; and

**WHEREAS**, Section 22031(b)(2) of the Public Contract Code limits the total annual value of new road construction and road reconstruction performed by County forces under Section 20395(c) to an amount that does not exceed 30 percent of the total value of all work performed by force account, other than maintenance, as reported in the Controller's Streets and Roads Annual Report as of January 1 of each year; and

**WHEREAS**, Section 20395(c) of the Public Contract Code allows the Board of Supervisors to authorize the Road Commissioner, or a registered civil engineer under the direction of the County Director of Transportation, to have any work upon county highways done under his or her supervision and direction by County forces; and

**WHEREAS**, pursuant to County Code section 2.18.030 and Streets and Highways Code Section 2006.1, our County abolished the office of County Road Commissioner and transferred all duties of the road commissioner to the Director of Public Works and Transportation; and

**WHEREAS**, Section 22031(e) of the Public Contract Code requires that either the Board of Supervisors or the Road Commissioner must declare its intention to exercise its authority under Section 22031(b)(2) to use County forces on any road construction work prior to commencing the work.

**NOW THEREFORE BE IT RESOLVED AND ORDERED**, by the Board of Supervisors of the County of San Luis Obispo, State of California, that:

1. The Director of Public Works is hereby authorized to have work performed upon county highways under his or her supervision and direction by any of the means provided under Public Contract Code Section 20395.
2. Any civil engineering functions which are required to be performed in the supervision and direction of any such work performed upon county highways shall be performed by a registered civil engineer acting under the authority of the Director of Public Works.
3. The total annual value of new road construction and road reconstruction performed by County forces under Section 20395(c) shall not exceed 30 percent of the total value of all work performed by force account other than maintenance as reported in the Controller's Streets and Roads Annual Report as of January 1 of each year.
4. The Director of Public Works shall declare its intention to exercise its authority under Section 22031(b)(2) to use County forces on road construction work by posting a notice of such intention at the Government Center Building in San Luis Obispo and on the Department of Public Works website prior to commencing the work.
5. The notice shall contain the information shown in Exhibit "A" attached.
6. The Director of Public Works, or a registered civil engineer acting under his direction, shall prepare, file and maintain all such records and reports as may be required by applicable law regarding any work authorized by this resolution.

Upon motion of Supervisor \_\_\_\_\_, seconded by Supervisor

\_\_\_\_\_, and on the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

the foregoing Resolution is hereby adopted.

\_\_\_\_\_  
Chairperson of the Board of Supervisors

ATTEST:

\_\_\_\_\_  
Clerk of the Board of Supervisors

[SEAL]

APPROVED AS TO FORM AND LEGAL EFFECT:

RITA L. NEAL  
County Counsel

By:   
Deputy County Counsel

Dated: May 1, 2013

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STATE OF CALIFORNIA, } ss.  
County of San Luis Obispo,

I, \_\_\_\_\_, County Clerk and ex-officio Clerk of the Board of Supervisors, in and for the County of San Luis Obispo, State of California, do hereby certify the foregoing to be a full, true and correct copy of an order made by the Board of Supervisors, as the same appears spread upon their minute book.

WITNESS my hand and the seal of said Board of Supervisors, affixed this \_\_\_\_\_  
day of \_\_\_\_\_, 20 \_\_\_\_\_.

(SEAL)

\_\_\_\_\_  
County Clerk and Ex-Officio Clerk of the Board  
of Supervisors

By \_\_\_\_\_  
Deputy Clerk.

**EXHIBIT A**  
(SAMPLE PUBLIC NOTICE)

**COUNTY OF SAN LUIS OBISPO  
DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION  
NOTICE OF INTENT**

Pursuant to the provisions of Section 22031(e) of the California Public Contract Code and as authorized by the Board of Supervisors of the County of San Luis Obispo, the Director of Public Works for the County of San Luis Obispo hereby states the intention to use County forces for the construction and/or reconstruction work regarding the projects listed below. The work performed by County forces relating to the projects listed below shall comply with the following criteria:

1. The project work is beyond routine maintenance as defined through the State Controller's Office.
2. The total value of the work falls within the budgetary limits established under Section 22031(b)(2) of the Public Contract Code.
3. The Director of Public Works, or a registered civil engineer acting under his direction, shall prepare, file and maintain all such records and reports as may be required by applicable law regarding any such work performed by County forces.

The foregoing notice is hereby adopted on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
PAAVO OGREN  
Director of Public Works and Transportation  
(Road Commissioner)  
County of San Luis Obispo

**Projects to be done utilizing County Forces**  
(List of Projects to be Provided and Updated by the Department)